

EXHIBIT 11

Page 1

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
-----x

4 KATHRYN TOWNSEND GRIFFIN,
5 HELEN MCDONALD, and THE ESTATE
6 OF CHERRIGALE TOWNSEND,

7
8 -against-

9 Civil Action No.:
10 1:17-CV-05221-RJS/GRIFFIN
11

12 EDWARD CHRISTOPHER SHEERAN,
13 p/k/a ED SHEERAN, ATLANTIC
14 RECORDING CORPORATION, d/b/a
15 ATLANTIC RECORDS, SONY/ATV
16 MUSIC PUBLISHING LLC and
17 WARNER MUSIC GROUP
18 CORPORATION, d/b/a ASYLUM
19 RECORDS,

20
21 Defendants.
22

23
24 -----x
25 April 24, 2018
10:30 a.m.

17 Deposition of KATHRYN TOWNSEND GRIFFIN GRINAN,
18 taken by Defendants, pursuant to Notice, held at the
19 law offices of Pryor Cashman, LLP, 7 Times Square,
20 New York, New York, before Judith Castore, a
21 Certified Livenote Reporter and Notary Public of the
22 State of New York.

<p>1 TOWNSEND GRIFFIN GRINAN 2 time I would serve up to 35 years 3 day-to-day in prison. And, well, as we 4 see today, I made it. And I am so 5 grateful. 6 Q Why you were facing up to 35 7 years in prison? 8 A In the state of Texas you got 9 three strikes you're out, meaning three 10 felonies. So on my -- the first three 11 are misdemeanors, the first three 12 arrests. After that, your third felony 13 warrants 25 to life. And prostitution 14 at that time happened to be, you know, 15 one of those charges where you could 16 serve 25 to life for actually 17 destroying yourself. 18 And so they started The 19 Success Through Addiction Recovery 20 Program, and because I had -- I didn't 21 have any violent crimes. My crimes was 22 possession of a controlled substance 23 less than a gram, which was a empty 24 crack pipe, and getting in the car with 25 an undercover cop prostituting or</p>	<p>Page 34</p>	<p>1 TOWNSEND GRIFFIN GRINAN 2 the prostitution. But I was saved by 3 the empty crack pipe in my bra, that 4 warranted 10. So 25 and 10, I could do 5 35. I could do 35 had I messed up on 6 this deferred adjudicated probation. 7 Q Okay. 8 So it would be safe -- is it 9 accurate to say that the prior arrests 10 that brought you to that point where 11 you were facing up to 35 years in 12 prison were either prostitute- or 13 drug-related charges? 14 A Yes. 15 Q Other than the nightclub -- 16 so you've mentioned the National Tour 17 of Wiz, and you've mentioned the 18 nightclub, and you've mentioned the 19 brief touring with Rick James. 20 After that, did you have any 21 other jobs where you were working in 22 the music business? 23 A I was a prostitute. 24 Q So how long were you a 25 prostitute for?</p>	<p>Page 36</p>
<p>1 TOWNSEND GRIFFIN GRINAN 2 walking on the roadway where sidewalks 3 were provided when there really were no 4 sidewalks. And all of these things 5 came along with my drug addiction. 6 When I was introduced to 7 cocaine, everything that I felt I was 8 missing, it felt at the time -- it gave 9 me a purpose. And like I say, I'm 10 grateful for the fact that God allowed 11 me to live through it because it has 12 everything to do with the work that I 13 do today. And I am able to help 14 thousands of people, thousands. And 15 I'm so grateful. 16 Q I'm sure they're grateful to 17 you, as well. 18 So just so I understand you 19 correctly, would it be accurate to say 20 that the three or four prior arrests 21 that led you to be facing up to 35 22 or -- was it 35 or -- 23 A 35 -- 24 Q 35 years in prison -- 25 A Well, it was 25 to life for</p>	<p>Page 35</p>	<p>1 TOWNSEND GRIFFIN GRINAN 2 A Until '86 when they took me 3 into the drug court. 4 Q And what happened next? 5 A I changed my life. I 6 completed my final treatment. I 7 actually found out things that had 8 haunted me. I was -- the year that I 9 got sober -- my first rehab was in '86, 10 and that's the year I found out I had 11 been adopted and that Ed Townsend was 12 my father. And so a lot of holes were 13 closed because I -- I had been lied to 14 my entire life. 15 Q And we'll certainly get to 16 that. I'm just trying to figure out 17 sort of the chronology so we can work 18 off that. 19 So you went into your first 20 treatment program in 1986, correct? 21 A Yes. 22 Q And did you have any other -- 23 how long were you in treatment for? 24 A The first time? 25 Q Well, I'm trying to get a</p>	<p>Page 37</p>

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<p>1 TOWNSEND GRIFFIN GRINAN 2 sense of -- you said you went into 3 treatment in 1986. 4 A I did stints of 90 days. I 5 did jail programs. I did prison 6 programs. I did inpatient, outpatient 7 programs. I was always doing my very 8 best to -- whether I was -- my family 9 made me go or I would go just so I 10 could fatten up, check to make sure I 11 was healthy, didn't catch anything I 12 couldn't get rid of so I could go back 13 to smoke some more dope. I was in it 14 full force. 15 Q And how long a period of time 16 would you say you were in it? 17 A From the first time I ever 18 touched cocaine until 2003, when I got 19 sober and my father died. After my 20 father died I got sober. 21 Q Between 1986 and 2003, then 22 would it be accurate to say that the 23 only work that you had been involved 24 with was prostitution? 25 A I lived to get high and I got</p>	Page 38	<p>1 TOWNSEND GRIFFIN GRINAN 2 the guilt and the shame. For years I 3 did that. 4 And at the time I felt 5 hopeless and I messed up so bad and I 6 had children and I felt unworthy to be 7 a parent. I felt like I had just 8 wasted my whole life. I did. I was 9 embarrassed. And I hoped that at that 10 point that I would just die so that I 11 could just be removed from the 12 burdening of this heavy dark addiction 13 that had plagued me when all I ever 14 wanted to do was do the right thing. 15 How did it go from that to that? I 16 understand it today, but I'm just -- 17 I'm just telling you how I felt during 18 that dark, black, bottomless pit era in 19 my life. 20 Q And other than the two 21 children that you've previously 22 mentioned, did you have any other 23 children during this time? 24 A I have another daughter. 25 Q And what's the age difference</p>	Page 40
<p>1 TOWNSEND GRIFFIN GRINAN 2 high to live. And my addiction 3 warranted me to feed me, I'm hungry. 4 And it took me from living a 5 acceptable -- socially acceptable life 6 into behind trash dumpsters, hot sheet 7 motels, Skid Row. I lived in Tent 8 City. I lived -- I didn't live in Port 9 Authority, but when I'd come to 10 New York you could always go to Port 11 Authority and go in the bathroom and 12 get high. And they used -- well, 13 42nd Street used to have all the 14 little restaurants and I'd go in the 15 Burger -- you'd go downstairs, you'd go 16 in the -- anywhere I could get high 17 because I had -- my addiction, I didn't 18 know anything but just trying to cover 19 up, cover up, cover up, fill those 20 empty holes and how did my life go from 21 here to here. So I was stuck for years 22 in the poor old me syndrome, poor old 23 me. Oh, my family is disappointed. Oh 24 I was in college. Oh, how did I mess 25 my life up? So I got high to cover up</p>	Page 39	<p>1 TOWNSEND GRIFFIN GRINAN 2 between your second and your third? 3 A Four years. I got pregnant 4 from my drug dealer. And she's never 5 met her father to this date. I did 6 find him and they've talked, yeah. 7 Q And do you have a 8 relationship with your three children 9 currently? 10 A Closer, tighter than 11 anything. I couldn't have never 12 imagined a relationship with them and 13 them even wanting to have a 14 relationship with me. They came to 15 visit me in prison once. They would 16 come to the rehabs and I swore when I 17 got in drug court my children would 18 never have to see me behind bars and in 19 a rehab ever again. And because I 20 stuck to it, it took up to four years, 21 but they watched. They watched. And 22 they've told me that they always knew 23 that their mother was in there. 24 Q And who was taking care of 25 your children during the time that</p>	Page 41

<p>1 TOWNSEND GRIFFIN GRINAN</p> <p>2 you -- during the time of your</p> <p>3 addiction and prostitution?</p> <p>4 A Shirley and Ernest Griffin,</p> <p>5 my adoptive parents. And when they</p> <p>6 died they came to live in Houston with</p> <p>7 my oldest daughter's grandmother,</p> <p>8 because the grandmother did not want</p> <p>9 the children separated.</p> <p>10 Q Did Shirley and Ernest</p> <p>11 Griffin ever adopt your children?</p> <p>12 A Yes. So my children actually</p> <p>13 legally became my sisters. We are the</p> <p>14 Griffin sisters.</p> <p>15 Q You never know where life is</p> <p>16 going to take you, right?</p> <p>17 A Now, you notice this is going</p> <p>18 to be colorful. If you start talking</p> <p>19 about my life, it's very colorful.</p> <p>20 This poor lady is going to jump out the</p> <p>21 seat, poor little old lady. I feel</p> <p>22 sorry. You're going to be entertained</p> <p>23 if you want to know about my life.</p> <p>24 Q I'm sure she's heard a lot</p> <p>25 sitting in that seat.</p>	<p>Page 42</p> <p>1 TOWNSEND GRIFFIN GRINAN</p> <p>2 A You just need to know who I</p> <p>3 am.</p> <p>4 Q Well, it's more than -- it's</p> <p>5 slightly different than that. It's --</p> <p>6 I want to know what you recall. And if</p> <p>7 you don't recall something, you don't</p> <p>8 recall it. I don't want you to guess.</p> <p>9 I don't want you to speculate. This</p> <p>10 isn't a memory test. So -- and a lot</p> <p>11 of these events.</p> <p>12 A Thank you, because I don't</p> <p>13 remember.</p> <p>14 Q I'm sure we can all -- this</p> <p>15 is -- yeah.</p> <p>16 So if you don't remember</p> <p>17 something --</p> <p>18 A I don't.</p> <p>19 Q -- then you don't remember</p> <p>20 it. And that just is what it is. I</p> <p>21 don't know what you recall and what you</p> <p>22 don't recall, so I'm going to ask</p> <p>23 questions and we'll see what you know</p> <p>24 and what you don't know and we'll move</p> <p>25 on from there.</p>
<p>1 TOWNSEND GRIFFIN GRINAN</p> <p>2 Do you recall whether Shirley</p> <p>3 and Ernest Griffin adopted your -- I'm</p> <p>4 sorry, do you have three daughters?</p> <p>5 A Yes.</p> <p>6 Q Do you know whether Shirley</p> <p>7 and Ernest Griffin adopted your three</p> <p>8 daughters at the same time?</p> <p>9 A Yes.</p> <p>10 Q And do you recall what year</p> <p>11 that was?</p> <p>12 A No.</p> <p>13 Q Do you recall whether it was</p> <p>14 in the 1980s?</p> <p>15 A No, I don't know. Let me</p> <p>16 just say this, I was high. I don't</p> <p>17 know -- that whole era, dates and</p> <p>18 times, it didn't matter. I didn't care</p> <p>19 what day it was, what time it was, I</p> <p>20 didn't -- so it's just not there. It's</p> <p>21 just not there.</p> <p>22 Q Understood.</p> <p>23 And part of today's -- what a</p> <p>24 deposition is is I only want to know</p> <p>25 and I can only ask what you --</p>	<p>Page 43</p> <p>1 TOWNSEND GRIFFIN GRINAN</p> <p>2 A Okay.</p> <p>3 Q Do you recall having a</p> <p>4 discussion with Shirley or Ernest</p> <p>5 Griffin about the fact that they wanted</p> <p>6 to adopt your children?</p> <p>7 A No.</p> <p>8 Q Were you involved at all in</p> <p>9 that legal process?</p> <p>10 A No.</p> <p>11 Q Do you recall whether you</p> <p>12 opposed or objected to it in any way at</p> <p>13 the time?</p> <p>14 A Yes.</p> <p>15 Q What do you recall?</p> <p>16 A Signing the papers.</p> <p>17 Q And do you remember what the</p> <p>18 papers were?</p> <p>19 A No.</p> <p>20 Q Have you ever seen -- since</p> <p>21 you've been sober, have you ever seen</p> <p>22 any sort of legal papers or court</p> <p>23 documents that memorialize the adoption</p> <p>24 of your daughters by the Griffins?</p> <p>25 A No.</p>

12 (Pages 42 - 45)

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<p style="text-align: right;">Page 66</p> <p>1 TOWNSEND GRIFFIN GRINAN 2 A No, ma'am. It just was 3 natural. 4 Q Did you have a particular 5 rhythmic instrument that you would 6 usually use to come with the beat? 7 A My brain. 8 Q And would you -- is there any 9 way that you would actually memorialize 10 what you were creating, did you write 11 a -- were you able to transcribe it or 12 did you record it on something? 13 A Back in the day it was 14 cassette tapes. Music paper, I used 15 to -- I used to keep like journals of 16 stuff. 17 Q And after the beat, what 18 would typically come next? 19 A The melody. 20 Q And you would typically come 21 up with chorus melody first, you know, 22 hook melody, verse melody? 23 A However it came to me. 24 However it -- however it would -- in a 25 creative state, whatever comes first</p>	<p style="text-align: right;">Page 68</p> <p>1 TOWNSEND GRIFFIN GRINAN 2 a famous artist, but I'm my own artist. 3 Q Do you recall how many songs 4 you've written over time? 5 A No. No. 6 Q Dozens? 7 A Thousands. Of course they're 8 still in the trunk somewhere, but I 9 wrote them. I wrote them. And I never 10 wanted to pursue doing that as a 11 profession. It was for me. It was an 12 expressive outcasting of whatever. It 13 just -- it helped me. 14 Q What year were you born? 15 A 1960. 16 Q And where? 17 A Englewood, California. 18 Englewood Bassinet Maternity Hospital. 19 Q And who was your biological 20 mother? 21 A Unknown. 22 Q And who was your biological 23 father? 24 A Edward Benjamin Townsend. 25 Q Did you ever live with</p>
<p style="text-align: right;">Page 67</p> <p>1 TOWNSEND GRIFFIN GRINAN 2 comes first. 3 Q Was there -- 4 A And sometimes the words would 5 come first. 6 Q Understood. 7 Was there typically something 8 that would happen first for you in 9 terms of melody, would it -- 10 A I could be sitting here 11 talking to you and all of a sudden 12 something hit me and I would say, hold 13 on a minute. 14 Q Did you write chord 15 progressions when you were writing 16 music? 17 A Sometimes. 18 Q And would that be part of the 19 beat or would that come later? 20 A Whatever would come first 21 would come first. I can't recall if 22 the chord progressions would come first 23 or the melodic structure or the 24 baseline or the drum line. However it 25 came, it came. I mean, I might not be</p>	<p style="text-align: right;">Page 69</p> <p>1 TOWNSEND GRIFFIN GRINAN 2 either -- well, I assume -- I'll ask 3 the question. 4 Did you ever -- 5 A You might have met my mom 6 before me. I wouldn't know. You could 7 be my mama, I don't know. 8 Q Well, no, actually I can't. 9 A I'm just saying. 10 Q I mean -- just 11 chronologically? 12 A I'm just saying. Anybody 13 could have been her. 14 MS. FARKAS: Let's take a 15 five-minute break. Now is a good 16 point. 17 (Whereupon, a brief recess 18 was taken.) 19 Q Did you ever live with either 20 of your biological parents? 21 A My father, Ed Townsend. 22 Q When was that? 23 A When I met him in '03 -- I 24 mean, '86 is when I met him. I'm 25 sorry.</p>

<p>1 TOWNSEND GRIFFIN GRINAN</p> <p>2 Q How long did you live with</p> <p>3 him during that time?</p> <p>4 A On and off periodically.</p> <p>5 Q Did you have a bedroom in his</p> <p>6 home?</p> <p>7 A Yes, I did.</p> <p>8 Q When you say on and off, for</p> <p>9 how long of a period of time?</p> <p>10 A I was still in my addiction,</p> <p>11 so I would disappear.</p> <p>12 Q And where was his house?</p> <p>13 A In California.</p> <p>14 Q Where?</p> <p>15 A Hollywood. I don't remember</p> <p>16 the addresses -- how many different</p> <p>17 addresses, it was quite a few.</p> <p>18 Q When you say quite a few, but</p> <p>19 in terms of Ed's home, was it only one</p> <p>20 home during this time?</p> <p>21 A No, quite a few.</p> <p>22 The last was in Reseda, a</p> <p>23 townhome in Reseda.</p> <p>24 Q And prior to 1986, had you</p> <p>25 ever lived with either of your</p>	<p>Page 70</p> <p>1 TOWNSEND GRIFFIN GRINAN</p> <p>2 you're not, here's your birth</p> <p>3 certificate. And it had Dr. David</p> <p>4 Owens on the birth certificate.</p> <p>5 Q Do you have a copy of that</p> <p>6 birth certificate?</p> <p>7 A I didn't bring it, but I do.</p> <p>8 MS. FARKAS: We would ask</p> <p>9 that be produced.</p> <p>10 Q When you say mixed breed, why</p> <p>11 do you say that?</p> <p>12 A Because the mother was white.</p> <p>13 Q The mother meaning your</p> <p>14 biological mother?</p> <p>15 A Yes.</p> <p>16 Q And how do you know that?</p> <p>17 A Because I was told.</p> <p>18 Q Who told you that?</p> <p>19 A My father, Ed Townsend.</p> <p>20 Q Did he ever tell you her</p> <p>21 name?</p> <p>22 A He would never give me her</p> <p>23 name.</p> <p>24 Q Do you know if they were</p> <p>25 married at the time that she had you?</p>
<p>1 TOWNSEND GRIFFIN GRINAN</p> <p>2 biological parents?</p> <p>3 A I didn't know I was adopted.</p> <p>4 I found out in -- in '86. I thought my</p> <p>5 whole life I was Kathy Griffin. I had</p> <p>6 no idea I was Cherrigale Townsend. And</p> <p>7 I found that out -- all my life --</p> <p>8 going to just tell you. All my life --</p> <p>9 I was born in Englewood, California.</p> <p>10 And Ernest and Shirley Griffin moved</p> <p>11 when I was four years old to</p> <p>12 Hattiesburg, Mississippi. And I didn't</p> <p>13 find out until 1986, because my whole</p> <p>14 life -- I grew up in Mississippi when</p> <p>15 it was segregated and the black people,</p> <p>16 we went through the back door and you</p> <p>17 know the story. And I was a mixed</p> <p>18 breed child in Mississippi. And if I</p> <p>19 didn't bring candy and money to the</p> <p>20 black kids, they would beat me up. Oh,</p> <p>21 Kathy Griffin you white. Oh, Kathy</p> <p>22 Griffin you're adopted. And I would go</p> <p>23 home and say, Momma, they say I'm</p> <p>24 adopted. And she would pull out a</p> <p>25 birth certificate and tell me, no</p>	<p>Page 71</p> <p>1 TOWNSEND GRIFFIN GRINAN</p> <p>2 A My father has only been</p> <p>3 married, to my knowledge, to Cherrigale</p> <p>4 Townsend. But I spoke with Cherrigale</p> <p>5 before she died and she gave me a lot</p> <p>6 of history about my birth saying</p> <p>7 that -- Cherrigale told me more than Ed</p> <p>8 told me. Cherrigale told me that once</p> <p>9 my father found out that my biological</p> <p>10 mother could not keep me because she</p> <p>11 was white, and allegedly a famous lady</p> <p>12 in the entertainment business, that her</p> <p>13 doctor was David Owens. And Shirley</p> <p>14 Griffin's doctor was David Owens. And</p> <p>15 all my life my mother had a scar on her</p> <p>16 stomach, and she would tell me this is</p> <p>17 where I came from. But I found out</p> <p>18 later she had a hysterectomy, and</p> <p>19 that's what that scar was.</p> <p>20 But back then they didn't</p> <p>21 tell you if you were adopted or not.</p> <p>22 And interesting enough, the people in</p> <p>23 my hometown in Hattiesburg, it looked</p> <p>24 like everybody knew I was adopted but</p> <p>25 me, including my mother's closest</p>

19 (Pages 70 - 73)

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<p>1 TOWNSEND GRIFFIN GRINAN 2 Owens bought his gas from Ernest 3 Griffin. And Dr. Owens -- this is what 4 I was told by my parents. My -- Dr. 5 Owens drove into the gas station and 6 had this baby in the front seat, a 7 newborn baby. And Ernest Griffin said, 8 whose baby? And Dr. Owens said, yours 9 if you want her. And he said, well, we 10 just adopted this other baby but let me 11 call my wife. And she went over to his 12 office. And they had me with a little 13 cup propped up with my bottle in it. 14 And my bottom was chafed because Dr. 15 Owens had taken me home with him and 16 his wife. And his wife was an 17 alcoholic and she hadn't -- back then 18 it was cloth diapers. 19 Q How old were you at this 20 point? 21 A I had to have been a couple 22 of months. 23 Q Where were you for the first 24 couple of months? 25 A With the doctor who delivered </p>	<p>Page 78</p> <p>1 TOWNSEND GRIFFIN GRINAN 2 Because all of them knew about me, I'm 3 the only one who didn't know about me. 4 Q Just so I'm clear with the 5 history, you were born in 1960 in 6 California? 7 A March 13th, 1960 in Englewood 8 Bassinet. And I've always known that 9 because that's on the birth 10 certificate. Even though there is a 11 sealed copy of a birth -- a live birth 12 somewhere, I just have never seen the 13 original with -- and but Ed told me 14 that he saw it. 15 Q What does the birth -- the 16 birth certificate that you've seen says 17 what? 18 A Says Ernest and Shirley -- 19 Ernest L. Griffin is the father, and it 20 said mechanic as the profession. And 21 Shirley Josephine Holliman is the 22 biological and then Griffin, biological 23 mother housewife. That's what it says, 24 I think. 25 Q That's on the birth </p>
<p>1 TOWNSEND GRIFFIN GRINAN 2 me. And Ed and Dr. Owens made an 3 arrangement for him to place me with a 4 family. Because -- and then Cherrigale 5 told me, after she knew that Ed had -- 6 had a baby -- outside baby from the 7 marriage, she told him to go get the 8 baby and bring the baby home and she 9 would raise me. When my mother and 10 father, Ernest and Shirley found that 11 out, my mother worked for Mattel. She 12 quit her job and Ernest Griffin sold 13 the gas station and they moved to 14 Hattiesburg, Mississippi so that Ed 15 Townsend could not find me because he 16 was looking for me to bring me to his 17 wife, Cherrigale, and they wanted to 18 raise me. Thank God they didn't raise 19 me because both of my brothers are 20 deceased now. I'm just saying, but 21 so -- 22 Q When did Ed -- do you know 23 when Ed married Cherrigale? 24 A I have no clue. I don't 25 know. Maybe Helen might know that. </p>	<p>Page 79</p> <p>1 TOWNSEND GRIFFIN GRINAN 2 certificate that you've seen? 3 A That's what I think is on the 4 birth certificate that I've seen. 5 Q Have you ever seen a birth 6 certificate that was anyone else as 7 your biological parents? 8 A No, it was sealed at birth. 9 I was told that by Ed and Cherrigale, 10 that that birth certificate had been 11 sealed. 12 Q Correct me if I'm wrong, that 13 you were born in Englewood, California, 14 and you were told that Dr. David Owens, 15 the doctor who delivered you, took you 16 home for a few months from the 17 hospital? 18 A Yes. 19 Q And then arranged with 20 Shirley and Ernest Griffin -- 21 A To place me with them. 22 Q -- to place you with them? 23 A And then she told me it took 24 her nine months to legally adopt me. 25 And it was funny because -- you </p>

21 (Pages 78 - 81)

<p>1 TOWNSEND GRIFFIN GRINAN 2 understand, I'm an adult woman still on 3 drugs when she's telling me this. And 4 all of her plans for me had gone south 5 because I got involved in the drugs. 6 And she told me, she says, it took me 7 nine months to legally adopt you, if I 8 could find a doorstep to go put you on, 9 I would. That's what she said. That's 10 why I remember. If I had known then 11 what I had known now, I would have left 12 you on the doorstep. That's what she 13 told me. That's what she said to me. 14 And then after that I 15 contacted Hubert Laws, he's a famous 16 jazz flautist, the number -- one of the 17 number one flautist in the world that I 18 was dating at this time. And he comes 19 out of that famous Laws family; Ronnie, 20 Debbie, Eloise, they're a big musical 21 family. And I called Hubert and I 22 said, Hubert, have you ever heard of 23 somebody named Ed Townsend. He said, 24 everybody knows Ed Townsend. I said, 25 well I don't.</p>	Page 82	<p>1 TOWNSEND GRIFFIN GRINAN 2 whole life. Because Ernest and Shirley 3 changed my name from Cherrigale 4 Townsend to Kathryn Marie Griffin. And 5 then my mother Shirley told me that she 6 did that so that they could never find 7 me. Because Ed and Cherrigale wanted 8 to come and raise me. So that's why 9 they sold their business and she quit 10 Mattel and moved to Mississippi and 11 they couldn't find me. 12 Q So was it your understanding 13 that the name on your original birth 14 certificate was Cherrigale Townsend? 15 A I know that now, but I didn't 16 know that because. And because Shirley 17 didn't tell me that my name was 18 Cherrigale Townsend. She was -- until 19 I found out and she finally admitted 20 it, I was Kathryn Marie Griffin. 21 And let me just say this, my 22 addiction escalated because I had just 23 gotten out of my first rehab when I -- 24 when I found out I was adopted I had 25 just gotten out of the Bell Park</p>	Page 84
<p>1 TOWNSEND GRIFFIN GRINAN 2 Q When was this conversation? 3 A Right after I found out I was 4 adopted in '86. 5 Q Okay. 6 A And so what he did was, my 7 father played golf, obviously, and he 8 knew where my father played golf. And 9 I said, well, can you just get me his 10 phone number. So he says, the guy that 11 plays golf with your dad, I have his 12 number. But I'll get him to give me Ed 13 Townsend's phone number. So Hubert 14 called me back like a week later after 15 I found out I was adopted. And it was 16 funny because I called the number. And 17 when I called the number, Ed Townsend 18 answered the phone and I had said, 19 hello, is this Ed Townsend? He said, 20 yes. Who's this? I said, do you know 21 a Dr. David Owens? He said, yes, who's 22 this? And I said, this is your 23 daughter. And he said, Oh my God. 24 Then we both were crying. He was like, 25 Oh my God I've looked for you your</p>	Page 83	<p>1 TOWNSEND GRIFFIN GRINAN 2 Hospital. And when I talked to Ed and 3 we made arrangements for me to meet 4 with him, and I ended up meeting him in 5 Mound Bayou, Mississippi. Because I 6 was laughing, I'm like, you mean to 7 tell me he's somebody in the music 8 business and I ain't going to 9 California, New York, I'm going to 10 Mississippi where I've been all the 11 time. Because he had bought a hospital 12 and turned it into -- he was turning it 13 into a school for music in Mound Bayou, 14 Mississippi. So I ended up going -- I 15 just went up the highway to Mound 16 Bayou, Mississippi to meet my father. 17 And when I met Ed, and he 18 brought my two brothers Cliff Michael 19 Townsend and David Edward Townsend, who 20 was also in the music business, to 21 Mound Bayou so they could -- they said 22 they knew they had a sister. I'm like, 23 everybody in the world know, how come I 24 don't know nothing? So I went there 25 and the strangest thing happened. Ed</p>	Page 85

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<p>1 TOWNSEND GRIFFIN GRINAN</p> <p>2 I remember him telling me that -- he</p> <p>3 told me the whole story about how he</p> <p>4 introduced Jan Gaye to Marvin. And he</p> <p>5 was -- he knew Jan's mom. And Jan was</p> <p>6 his Goddaughter. And he told me all of</p> <p>7 that and then he told -- because was</p> <p>8 very upset that -- after Jan and Marvin</p> <p>9 were no longer together, Jan was on</p> <p>10 food stamps. And he went to Berry</p> <p>11 Gordy and he confronted him and told</p> <p>12 him -- whatever the conversation was,</p> <p>13 Jan ended up getting money after that</p> <p>14 because she had children and he didn't</p> <p>15 think she should be living in poverty</p> <p>16 the way she was living in poverty. I</p> <p>17 remember that, him saying that.</p> <p>18 Q Did he tell you what portions</p> <p>19 of Let's Get It On he created?</p> <p>20 A He told me 100 percent. And</p> <p>21 he said to me that -- because Marvin</p> <p>22 had a drug addiction, he gave him a</p> <p>23 percentage of the song so that his</p> <p>24 children would be taken care of.</p> <p>25 Now, I don't know -- back</p>	<p>Page 110</p> <p>1 TOWNSEND GRIFFIN GRINAN</p> <p>2 He didn't break it down and I wrote 56</p> <p>3 bars of this and -- and Marvin put --</p> <p>4 no. He wrote the song with Aunt Helen,</p> <p>5 so she'll know more about that than me.</p> <p>6 I can't -- you just have me talking,</p> <p>7 I'll be talking.</p> <p>8 Q No, I don't want you to just</p> <p>9 talk.</p> <p>10 A Yeah, I don't want to just</p> <p>11 talk. I'm just telling you, he told me</p> <p>12 he owned 100 percent of the song and to</p> <p>13 keep it in the family. And that's what</p> <p>14 he told me. And then he wrote other</p> <p>15 songs, and me and him wrote stuff</p> <p>16 together. I'm just telling you that's</p> <p>17 what he said to me.</p> <p>18 Q So how -- I'm trying to</p> <p>19 understand you telling us that Ed told</p> <p>20 you that he wrote 100 percent of the</p> <p>21 song and that he owned 100 percent of</p> <p>22 the song, but at the same time you're</p> <p>23 saying that he gave a piece of the song</p> <p>24 to Marvin?</p> <p>25 A That's what he said to me.</p>
<p>Page 111</p> <p>1 TOWNSEND GRIFFIN GRINAN</p> <p>2 then I didn't know what writers,</p> <p>3 performers, performance credits or any</p> <p>4 of that. But he told me he owned</p> <p>5 100 percent publishing of Let's Get It</p> <p>6 On.</p> <p>7 Q And just so we're clear --</p> <p>8 A And he showed me paperwork.</p> <p>9 Q Well, one thing at a time.</p> <p>10 So am I correct that Ed</p> <p>11 Townsend told you that he wrote all of</p> <p>12 the music and all of the lyrics to</p> <p>13 Let's Get It On?</p> <p>14 A He told me it was his song.</p> <p>15 Yes, he did.</p> <p>16 Q Well, I'm not just asking</p> <p>17 you --</p> <p>18 A I'm just telling you what he</p> <p>19 said to me.</p> <p>20 Q Did he say to you words to</p> <p>21 the effect of it's my song, or did he</p> <p>22 tell you specifically that he wrote all</p> <p>23 of the words and he wrote all of the</p> <p>24 music to the song?</p> <p>25 A He told me it was his song.</p>	<p>Page 113</p> <p>1 TOWNSEND GRIFFIN GRINAN</p> <p>2 That's what he said to me. Now,</p> <p>3 what -- I'm just -- I could see him</p> <p>4 sitting at that desk and I'm sitting in</p> <p>5 that chair right now, and him with that</p> <p>6 cigarette.</p> <p>7 Q Did he discuss with you at</p> <p>8 all the process that he went through to</p> <p>9 create Let's Get It On?</p> <p>10 A He told me this: He wrote</p> <p>11 the song. He said, you know, it's</p> <p>12 funny, and he was laughing. Everybody</p> <p>13 thinks Let's Get It On is about getting</p> <p>14 it on. People got married to it and</p> <p>15 had babies to it. He said, Let's Get</p> <p>16 It On is about getting sober. I was</p> <p>17 trying to get sober. It's the only</p> <p>18 song I wrote in my career that I was</p> <p>19 sober. And he said -- he said, I've</p> <p>20 been -- I've really trying. He was</p> <p>21 very animated kind of like -- I guess</p> <p>22 like me, trying to hold back this</p> <p>23 feeling for so long. But if you feel</p> <p>24 like I feel, let's get it on, I wanted</p> <p>25 to be clean and sober. Because we all</p>

<p>1 TOWNSEND GRIFFIN GRINAN</p> <p>2 are really sensitive people, and look</p> <p>3 at us, we got something to give. We</p> <p>4 need to learn to start understanding</p> <p>5 each other. So since we gotta be here,</p> <p>6 let's -- let's live. Let's live.</p> <p>7 That -- because he was -- he got</p> <p>8 excited when he was telling me. This</p> <p>9 is how he was, you know.</p> <p>10 And I'm sitting here looking</p> <p>11 at this man and he was really feeling</p> <p>12 it. He meant, that's why I wrote this</p> <p>13 song. He was so passionate about it.</p> <p>14 And that's why I'm a damn fool too,</p> <p>15 because that's how he was. I remember</p> <p>16 it.</p> <p>17 Q Do you remember when this</p> <p>18conversation took place?</p> <p>19 A No. Unfortunately I didn't</p> <p>20 have a book, and a time, and I didn't</p> <p>21 know I was going to ever need to</p> <p>22 maintain this information for any</p> <p>23 reason whatsoever.</p> <p>24 Q No. And also to be fair it</p> <p>25 was a long time ago, correct?</p>	<p>Page 114</p> <p>1 TOWNSEND GRIFFIN GRINAN</p> <p>2 done? What have I done? So it was</p> <p>3 probably in '87, '88. Somewhere in</p> <p>4 there, I don't know. But it was just</p> <p>5 one of the many drug rehab stints for</p> <p>6 me. He never went back again because</p> <p>7 he stayed sober after that. I'm the</p> <p>8 one that acted a fool.</p> <p>9 Q And how do you know he stayed</p> <p>10 sober after that?</p> <p>11 A Are you kidding? He was --</p> <p>12 Q I'm just asking.</p> <p>13 A He was a -- I mean AA, he</p> <p>14 wrote the play, Been There Done That</p> <p>15 about rehabilitation. He was a</p> <p>16 warrior. He would go -- he even taught</p> <p>17 the prostitutes on Sunset Boulevard</p> <p>18 when they were walking down the street</p> <p>19 to turn their pockets inside out when</p> <p>20 they walked down the street so that the</p> <p>21 pimps will see they didn't have money</p> <p>22 and not beat them up. And he started</p> <p>23 trying to help get them off the street</p> <p>24 and clean and sober the way he could.</p> <p>25 That was his way of giving back, I</p>
<p>1 TOWNSEND GRIFFIN GRINAN</p> <p>2 A It was between the time I met</p> <p>3 him and the time he died.</p> <p>4 Q And during that time you were</p> <p>5 going through addiction, correct?</p> <p>6 A I was high, but I wasn't high</p> <p>7 when he told me that.</p> <p>8 Q How do you know that?</p> <p>9 A Because he and I both went to</p> <p>10 treatment at the same time. I went to</p> <p>11 Safe Harbor and he to Harbor Light.</p> <p>12 And we had this conversation during the</p> <p>13 rehabilitation because -- the period</p> <p>14 that we were at Salvation Army here --</p> <p>15 no, I wasn't in California. Out there</p> <p>16 in California on 5th Street, Salvation</p> <p>17 Army, you can look it up.</p> <p>18 Q Do you know roughly what year</p> <p>19 that was?</p> <p>20 A No.</p> <p>21 Q Was it in the '90s?</p> <p>22 A Right after -- I told you he</p> <p>23 went into treatment after he found</p> <p>24 out -- when we got high together that</p> <p>25 time. He was like, oh, what have I</p>	<p>Page 115</p> <p>1 TOWNSEND GRIFFIN GRINAN</p> <p>2 think. And he formed the Been There</p> <p>3 Done That, because I tried to get the</p> <p>4 name -- he left that to me, but in</p> <p>5 Texas somebody had Been There Done That</p> <p>6 so I had to put We've Been There Done</p> <p>7 That to get the d/b/a in Mississippi --</p> <p>8 I mean, in Houston, Texas.</p> <p>9 Q Did Ed Townsend discuss with</p> <p>10 you his decision -- let me ask a</p> <p>11 different question.</p> <p>12 Did Ed Townsend discuss with</p> <p>13 you the circumstances under which</p> <p>14 Marvin Gaye got involved with the song,</p> <p>15 Let's Get It on?</p> <p>16 A He called him over to Aunt</p> <p>17 Helen's house, I think, and played the</p> <p>18 song for him. And -- and they went</p> <p>19 back and forth about the arrangement,</p> <p>20 like the vocals. I think somebody -- I</p> <p>21 don't -- Aunt Helen knows that. That's</p> <p>22 foggy, but...</p> <p>23 Q Do you know --</p> <p>24 A Marvin loved the song.</p> <p>25 Q Do you know whether Ed and</p>

30 (Pages 114 - 117)

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<p style="text-align: right;">Page 150</p> <p>1 TOWNSEND GRIFFIN GRINAN 2 for so long by, I guess you guys. You 3 all ignored like I was nothing, like I 4 was still worthless. And -- 5 Q You were aware we were having 6 conversations with your attorney at 7 this time before you filed the lawsuit, 8 correct? 9 A No. 10 Q You should speak to your 11 attorneys about that. 12 A No. 13 Q Now, at the time you gave 14 this interview though you had already 15 filed a lawsuit against my clients, 16 correct? 17 A Correct. 18 Q Can I draw your attention to 19 the second page of this document. 20 There is a question in bold at the very 21 top of the page that I'm going to read, 22 it says: Do you remember the first 23 time you heard Ed Sheeran's Thinking 24 Out Loud. 25 A Um-hum.</p>	<p style="text-align: right;">Page 152</p> <p>1 TOWNSEND GRIFFIN GRINAN 2 I didn't even remember what 3 all was in the article. 4 Q And if you go about halfway 5 down there's a sentence there that -- 6 there's a paragraph there that starts 7 with the sentence, we own 100 percent 8 of the publishing. 9 Do you see that? 10 A Yes, I do. 11 Q Is that accurate? 12 A To my knowledge. I'm not an 13 expert, but to my knowledge, yes, we 14 own 100 percent of the publishing. 15 Q So is it your testimony that 16 none of the heirs of Marvin Gaye own 17 any percentage of the publishing on 18 Let's Get It On? 19 A If we own 100 percent, then 20 to my knowledge, no, just performance. 21 Q And then would your testimony 22 also be that David Pullman's company 23 does not own any percentage of the 24 publishing of let's get it on? 25 A Let me say, David Pullman</p>
<p style="text-align: right;">Page 151</p> <p>1 TOWNSEND GRIFFIN GRINAN 2 Q And then the answer that they 3 have for you, it says: Yeah. I think 4 the song had been out a couple of 5 months. 6 A Okay. 7 Q And somebody called a friend 8 of mine who works for CBS and said I 9 needed to listen to this song because 10 this young British kid actually copied 11 the music from my dad's song, Let's Get 12 It On. And then shortly after that I 13 saw your article and this stuff just 14 started popping up everywhere. 15 Do you see that? 16 A Yes. 17 Q Does that sound like an 18 accurate transcription of what you said 19 to the author of this article? 20 A I think that's what I just 21 said to you. 22 Q So that's a yes? 23 A Yes. Oh, they even have that 24 about the car. Yeah. Because that's 25 what I think. Okay.</p>	<p style="text-align: right;">Page 153</p> <p>1 TOWNSEND GRIFFIN GRINAN 2 stole my brother's percentage. He does 3 have a percentage. So when I say we, 4 David Pullman's words were, we're 5 family now. So I've had to take this 6 troll, and I'm not -- I shouldn't have 7 said that, but anyway, it is what it 8 is. It is what it is. It is what it 9 is. 10 Oh my God. 11 Q As between -- do you remember 12 having a conversation or do you 13 remember the first conversation that 14 you had with either Helen or Cherrigale 15 about Thinking Out Loud? 16 A Yes. 17 Q Do you recall when that was? 18 A I don't remember when. 19 Shortly after I listened to it and was 20 asked to go and really listen to it and 21 compare the songs. 22 Q So would it be safe to say 23 that it was after people started 24 sending you the mash ups that you 25 referred to earlier?</p>

<p>1 TOWNSEND GRIFFIN GRINAN 2 A Yes. I said is that her name 3 I didn't say was, because you still 4 living. 5 Q So with respect to Dr. 6 Stewart and the musicologist that 7 Ms. Farkas was talking about earlier, 8 Dr. Ferrara, would it surprise you that 9 Dr. Stewart has testified in many cases 10 against that musicologist, Mr. Ferrara, 11 Dr. Ferrara? 12 A Dr. Ferrara is the 13 musicologist for the Ed Sheeran? 14 Q Yes. 15 A And my musicologist has 16 testified against that man? That 17 doesn't surprise me. 18 MS. FARKAS: Objection. 19 A My knowledge of Dr. Stewart 20 is he's the best. So I'm going to 21 believe he's the best. I don't know 22 about whoever else, that guy you 23 just -- Ferrara. Sounds like a car. I 24 don't know. To me, I have no idea. 25 Q There you have it.</p>	<p>Page 190 1 TOWNSEND GRIFFIN GRINAN 2 on a path to do the right thing by my 3 father's creation and his work. And 4 I'm going to stick to that path because 5 that's all I have left to hold on to. 6 I was cheated out half of my life of my 7 dad. I won't be cheated out of my 8 father's legacy. 9 MS. RICE: Nothing further. 10 MS. FARKAS: I just have 11 one -- sorry, one small line of 12 questions that I forgot to ask. 13 EXAMINATION BY MS. FARKAS: 14 Q What is your legal name 15 sitting here right now? Is it the name 16 that you gave the court reporter at the 17 beginning of the deposition? 18 A On my identification 19 purposely I have left it as Kathryn 20 Marie Griffin. On purpose. I don't 21 have my husband's name attached to it 22 because I am in a profession where I 23 deal with pimps, prostitutes. You 24 asked, I'm going to tell you why. I 25 left it that way because in the life</p>
<p>1 TOWNSEND GRIFFIN GRINAN 2 A I'm cool with that. 3 Q So would it surprise you that 4 in several of the times in which 5 they've testified in the same trial, 6 Dr. Stewart has come out victorious 7 against Dr. Ferrara? 8 MS. RICE: Objection. 9 Q You can go ahead and answer. 10 A It doesn't matter if 11 Ferrara -- 12 MS. FARKAS: Objection. 13 A -- has won or lost. It 14 wouldn't matter if Dr. Stewart beat 15 him. I don't care about that. I don't 16 care about anybody else's lawsuit. 17 What I care about is that God has put 18 it on my heart that this is the right 19 person to have dissected every inch, 20 breath, note, bar, treble, base, clef, 21 syncopations, staccato, everything. 22 And he knows how do that accurately 23 because, like I say, I'm not on a witch 24 hunt against Ed Sheeran. I'm not. I'm 25 not on a witch hunt for anything. I'm</p>	<p>Page 191 1 TOWNSEND GRIFFIN GRINAN 2 people knew that. And because that was 3 the name in the life, and I have 4 children, and I have a husband, and my 5 husband is the senior news anchor at 6 Fox, I did not want to connect their 7 names to this part of the work that I 8 do. I do a lot of undercover stuff. I 9 do a lot -- I get a lot of intel. I 10 deal with human trafficking. I deal 11 with stuff I can lose my life. 12 Q So is the name -- 13 A My ID says Kathryn Griffin. 14 Q Has your name ever legally 15 been changed to include the name 16 Townsend in it? 17 A Legally? 18 Q Correct. 19 A I got married, so I -- why 20 would I change it to -- legally to 21 Townsend and I am Grinan. 22 Q I don't know. 23 Have you ever changed your 24 middle name to be Townsend? 25 A No, I did not. My middle</p>

<p>1 2 name is what it is, Marie. 3 Q So your legal name, as far as 4 the government is concerned -- 5 A I'm listed as Kathryn Marie 6 Griffin. 7 MS. FARKAS: Thank you. 8 THE WITNESS: It makes things 9 much easier. But that don't 10 change what my blood is. 11 MS. FARKAS: No further 12 questions at this time. 13 MS. RICE: We'll read. 14 (Time noted: 2:50 p.m.) 15 16 17 18 19 20 21 22 23 24 25</p>	<p>Page 194</p> <p>1 2 CERTIFICATION 3 4 STATE OF NEW YORK) 5) ss.: 6 COUNTY OF NEW YORK) 7 8 I, JUDITH CASTORE, Shorthand Reporter 9 and Notary Public within and for the State 10 of New York, do hereby certify: 11 That KATHRYN TOWNSEND GRIFFIN GRINAN, 12 the witness whose deposition is 13 hereinbefore set forth, was duly sworn by 14 me and that this transcript of such 15 examination is a true record of the 16 testimony given by such witness. 17 I further certify that I am not 18 related to any of the parties to this 19 action by blood or marriage and that I am 20 in no way interested in the outcome of 21 this matter. 22 IN WITNESS WHEREOF, I have hereunto 23 set my hand this 5th day of May, 2018. 24 25 <i>Judith Castore</i> JUDITH CASTORE</p>
<p>1 2 ACKNOWLEDGEMENT 3 4 STATE OF NEW YORK) 5) ss.: 6 COUNTY OF NEW YORK) 7 8 I, KATHRYN TOWNSEND GRIFFIN GRINAN, 9 certify, I have read the transcript of my 10 deposition of April 24, 2018; that the 11 transcript is a true, complete and correct 12 record of what was asked, answered and 13 said during this deposition, and that the 14 answers on the record as given by me are 15 true and correct. 16 ----- 17 KATHRYN TOWNSEND GRIFFIN GRINAN 18 19 Sworn and subscribed to before me 20 this _____ day of _____, _____. 21 22 Notary Public 23 24 25</p>	<p>Page 195</p> <p>1 2 INDEX 3 WITNESS PAGE 4 KATHRYN TOWNSEND GRIFFIN GRINAN 5 Examination by: 6 MS. FARKAS 4 7 EXHIBITS 8 (Retained by Veritext Legal Solutions) 9 DEFENDANTS' PAGE 10 Exhibit 1 Document request 123 11 Exhibit 2 Interview of Spin Magazine, dated 148 12 8/12/16 13 DOCUMENT/INFORMATION REQUESTS: PAGE 14 Copy of deponent's birth certificate 72 15 16 17 18 19 20 21 22 23 24 25</p>

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